

Application No.: 10/773,551
Amendment dated February 27, 2006
Reply to Office Action of November 28, 2005

Amendments to the Drawings

Please substitute attached formal drawing sheet 1/7 for as-filed informal drawing sheet 1/7. In the as-filed informal drawing sheet items 21 and 23 were handwritten.

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REMARKS

The Applicant respectfully requests entry of the above amendments, and consideration of the application, as amended.

By this Amendment, the Applicants amended paragraph 0026 in the specification to correct the two typographical errors identified in the Office Action. The Applicants also amended paragraphs 0002 and 0041 to insert the application numbers referenced in these paragraphs but unavailable at the time of filing. The Applicants also submitted new formal drawing page 1/7 to replace as-filed informal drawing page 1/7.

The Applicants canceled claims 2, 5, and 10 to overcome 112 rejections, amended claims 1, 6, 12, 13, 18 and introduced new claims 21-24. Also, claims 17 and 20 were rewritten in independent form. No new matter was introduced.

Claims 1, 3, 4, 6-9, and 11-24 are now pending in this application.

1. Response to Objection to Specification

In the third paragraph on page 2 of the Office Action, the Patent Office identified two typographical errors in lines 11 and 12 of paragraph 0026 of the specification. The Applicants believe that the above amendment addresses these objections. The Applicants acknowledges with appreciation the Patent Office's identification of these errors.

2. Response to 112 Rejections

In the paragraphs bridging pages 2 and 3 of the Office Action, the Patent Office rejected claim 2, 5, 6, 10, 13, and 16 under 35 USC 112, second paragraph, as being indefinite. In the above amendment, Applicants cancelled claims 2, 5, and 10 and amended claim 6 to remove the recitation of the "arm" of the ornamental fixture from these claims so that "a combination" is not recited. The typographical error in claim 13

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was also corrected. The rejection of claim 16 under 35 USC 112 was unclear from the subject Office Action. The Applicants assume that claim 16 was mistakenly included in this grouping of claims in this rejection.

3. Response to Anticipation Rejection based upon Spicer

On pages 3 and 4 of the Office Action, the Patent Office rejected claims 1,3, 5-7, 9-11, 18, and 19 under 356 USC 102(b) as anticipated by U.S. Patent 3,354,305 of Spicer, et al. [herein "Spicer"]. However, Applicants respectfully submit that these rejections are overcome by the above amendment to claims 1, 12, and 18.

Applicants' undersigned Agent typically refers to the MPEP for guidance when considering whether an anticipation rejection is appropriate. For instance, MPEP § 2131 defines the conditions under which an anticipation rejection is appropriate:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim...

The Applicants submit that Spicer does not include "each and every element" of the invention recited in these amended claims, nor does Spicer show the invention "in as complete detail" as these amended claims.

First, the Applicant's submit that the structures of Spicer are the very same structures over which the present invention is an improvement. Spicer, like other prior art structures, are designed to support conventional fixture arms having conventional

lengths and made of conventional structural materials that do not and cannot provide the advantages and benefits of the present invention. As discussed throughout the present specification, aspects of the present invention provide means for supporting large fixtures, such as chandeliers, in an aesthetically acceptable manner that would otherwise not be possible. Specifically, the increased diameter of large fixtures and their typical requirement for central support and aesthetically acceptable appearance cannot be accommodated by prior art mountings such as shown by Spicer which simply cannot withstand the loading. Moreover, when the fixture arms are made from a brittle material, such as glass, the need for support is further exacerbated. Aspects of the present invention, not only provide support for such large fixtures in an aesthetically pleasing manner, but also provide the needed support for brittle glass arms that would otherwise not be possible.

With respect to claim 1, the limitation of original claim 5 was introduced to claim 1 to clearly distinguish the recited invention from Spicer. Claim 1 now recites that the elongated element of the brace have “an upper surface that substantially conforms to a lower surface of the arm of the ornamental fixture.” Contrary to the claimed inventions, the bracket 102/112 of Spicer which the Patent Office claims corresponds to the elongated element of the claimed invention, does not have an upper surface that conforms to anything. The upper surface of the bracket of Spicer is simply a flat surface. Moreover, since the arm 14 of Spicer does not engage and is not in anyway near the bracket of Spicer, there is no teaching or suggestion in Spicer that the upper surface of bracket 12 can or should be shaped to conform in anyway with arm 12 of Spicer. The Applicant submits that amended claim 1 is not anticipated or obvious in view of teachings of Spicer.

With respect to claims 12 and 18, among other amendments, these claims were amended to recite that the platform mounted on the elongated element is positioned distal the first end of the arm of the ornamental fixture. That is, contrary to the device of Spicer, the claimed platform that is adapted to support the fixture arm, for example, the

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glass arm, is positioned at a distance from the first end of the arm. At this distance from the first end, the platform can more effectively support the arm and minimize bending load on the brittle arm. This feature of the present invention is nowhere disclosed or suggested by Spicer. As in other prior art structures, the bracket 12/102 of Spicer supports arm 14 of Spicer adjacent the first end of arm 14 of Spicer and thus does not minimize the bending load on the arm. The Applicant submits that amended claims 12 and 18 are not anticipated or obvious in view of the teachings of Spicer.

With respect to the rejections of the dependent claims, the Applicants submit that these claims are not anticipated by Spicer for the same reasons that claims 1, 12 and 18, from which they depend, are not anticipated. In addition, aspects of the dependent claims are not disclosed or suggested by Spicer. For example, with respect to claim 4, Spicer does not disclose that the platform be a perforated plate adapted to mount on one or more projections on the elongated element.

4. Response to Obviousness Rejection based upon Spicer

On pages 4 and 5 of the Office Action, the Patent Office rejected claims 2, 8, and 12-16 under 35 U.S.C. 103(2) as obvious in view of what is disclosed in Spicer. However, Applicants respectfully submit that these dependent claims are patentably distinct from Spicer for the same reasons their parent claims are patentably distinct from Spicer.

5. Allowable Subject Matter

In the first paragraph on page 6 of the Office Action, the Patent Office identifies the subject matter recited in claims 17 and 20 as allowable if rewritten in independent form. The Applicant acknowledges with appreciation the recognition of the allowability of claims 17 and 20. In the above amendment, the Applicants redrafted claims 17 and

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20 to include all the limitations of the claims from which they depend. The Applicants believe that claims 17 and 20 are now in allowable form.

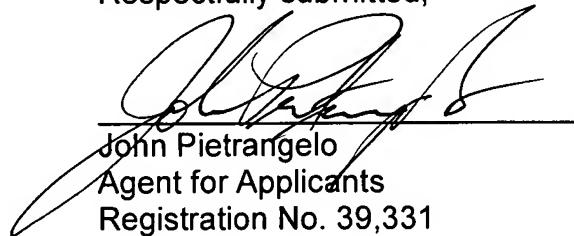
Since claim 4 was not rejected or discussed in the subject Office Action, the Applicants assume that the subject matter of claim 4 is allowable.

6. Conclusion

The Applicant believes that the Amendment addresses the objections and rejections that appear in the subject Office Action and places the application in condition for allowance. An early and favorable action on the merits of the application is requested.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned Agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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Attachment: Replacement Sheet – FIG. 1 (Page 1/7)